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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,408	06/09/2006	Eginhard Werner Vietz	3519-0157	1145
6449	7590	08/20/2009		
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			EXAMINER	
1425 K STREET, N.W.			DANG, KET D	
SUITE 800				
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			3742	
NOTIFICATION DATE	DELIVERY MODE			
08/20/2009	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,408	<b>Applicant(s)</b> VIETZ ET AL.
	<b>Examiner</b> KET D. DANG	<b>Art Unit</b> 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 06/09/2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is more than 150 words.

It is about 219 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 7 is objected to because of the following informalities: in claim 7, the feature "the MSG arc welding head (26)" is a typographical error the number. Examiner interprets it as a (28) not (26), because (26) is a wire feed unit Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 6, 9-11, 13-14, and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1-2, 6, 9-11, and 13-14, the phrase "can be" renders the claim indefinite for not providing positive limitation

7. Regarding claims 16-18, they are unclear whether "a high-power fibre laser beam source (9)" for instant, recited at lines 3 of claim 16 is the same as the one recited in the preceding claim 1. If it is so, then the word "a" should be changed to "the or said". If it is not, then the essential structural cooperative relationships between the two are needed, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Furthermore, other elements such as "a generator (36), a cooling system (37), a process gas store (22), a wire feed unit (26), an MSG power source (32), an MSG process gas store (33) and an MSG wire feed unit (34) are also applied indefinite.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black (US 5,227,601) in view of Motoi (JP 02127974) and further in Jones (US 5,796,068).

10. Regarding claims 1-8 and 15, Black discloses orbital welding device (abstract) for mobile use for joining a first pipe end 10 (fig. 1) and a second pipe end 12 (fig. 1) along a circumferential joint by means of at least one weld seam (col. 4, lines 12-16), in particular for producing a pipeline to be laid on land comprising at least a guide ring 24 (fig. 2; abstract); which can be oriented relative to the first pipe end and the circumferential joint, an orbital carriage B (fig. 1) (abstract) displaceably guided at least along a section of the guide ring, a feed device 40 (fig. 1) by means of which the orbital carriage can be moved under motor power along the guide ring, a welding head C (fig. 1) (abstract) which is arranged on the orbital carriage B (fig. 1) (abstract) and can be aligned with the circumferential joint 14 (fig. 1) so that, by moving the orbital carriage, the weld seam can be produced at least along a section of the circumferential joint (col. 4, lines 12-16), and a wire feed unit (abstract; col. 7, lines 32-56), except for a mobile welding device, a laser beam source, a process gas. However, Motoi discloses a mobile welding device (abstract). Jones discloses a laser beam source (abstract). Jones also discloses a process gas (col. 6, lines 25-43; col. 7, lines 9-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Black's reference, to include a mobile welding device, a laser beam, and a process gas as suggested and taught by Motoi and Jones, for the purpose of provides a welding apparatus which makes it possible to obtain a uniform weld and reduce substantially the time required for welding pipe segments together to form a pipeline (col. 2, lines 46-50 of Jones).

11. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black (US 5,227,601), Motoi (JP 02127974), Jones (US 5,796,068), and further in view Kawamoto et al. (US 5,601,735).

12. Regarding claims 9-14, Black, Motoi, and Jones disclose the claim invention, except for an orbital position sensor and a position control. However, Kawamoto teaches an orbital position sensor (col. 4, lines 42-60; col. 13, lines 10-38); a position control 101 (fig. 10) (col. 4, lines 42-60; col. 8, lines 20-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Black/Motoi/Jones's references, to include an orbital position sensor and a position control, as suggested and taught by Kawamoto, for the purpose of providing with a detecting element for detecting such flaws as gaps and dislocations at the joint portion, and for feeding back an output signal from the detecting element for controlling welding speed and laser output to obtain a uniform welding bead at the joint portion (col. 3, lines 37-47).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marhofer et al. (US 5,932,123) disclose mobile automated pipeline welding and quality control system. Randolph et al. (US 3,718,798) disclose traveling welding apparatus. And Imanaga (JP 08267242A) discloses equipment and method for automatic welding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KET D. DANG whose telephone number is (571) 270-7827. The examiner can normally be reached on Monday - Friday, 7:30 - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Tu can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KET D DANG/  
Examiner, Art Unit 3742  
/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742